

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Flying U LLC – JJF LLC
Grazing Permit

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0113-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



PROPOSED ACTION: The proposed action is to change the allotment Category from “M” to “C” as well as transfer and issue a grazing permit for the Burner Unit Allotment No. 00355 for the term of ten years (April 20, 2013 through February 28, 2023) to Flying U, LLC-JJF, LLC Tenants in Common. The grazing permit would be issued as follows:

GR #2502314

Allotment and number	Livestock Number	Kind	Grazing Begins	Grazing Ends	% Public Land	Type Use	AUMs
Burner Unit Allotment No. 00355	41	Cattle	03/01	02/28	100	Custodial	481

Total Active AUMs: 481

Terms and Conditions:

Grazing is authorized during the listed season for the recognized capacity of the public land. Livestock will not be on the public land continuously for the entire season.

Grazing use is authorized with the normal livestock operation. Grazing fees must be paid prior to turnout. Livestock numbers and season of use cannot exceed public land AUMs.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

www.blm.gov/mt

In Reply Refer To:
4100 (MTC021)
GR# 2502314

May 24, 2013

Flying U LLC-JJF LLC
C/O David D. Robbins
P.O. Box 17004
Missoula, Montana 59808

Certified Mail No: 70113500000345173736

Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Burner Unit Allotment No. 00355 is located approximately 1 miles south of Cohagen in Garfield County. The Burner Unit Allotment consists of 2,453 acres of BLM-Public Domain with 481 AUMs of authorized active use.

The allotment was assessed for and met Land Health Standards in 1999.

In April 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0113-EA) to analyze the issuance of the grazing permit to Flying U LLC – JJF LLC for the above mentioned allotment and change the allotment classification from Category from “M” to “C”. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on 4/29/2013.

PROPOSED DECISION

Therefore, it is my proposed decision is to change the allotment Category from “M” to “C” as well as transfer and issue a grazing permit for the Burner Unit Allotment No. 00355 for the term of ten years (April 20, 2013 through February 28, 2023) to Flying U, LLC-JJF, LLC. The grazing permit would be issued as follows:

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RATIONALE

The issuance of the grazing permit is provided through a deed showing control of the base property for this allotment being submitted to the BLM. The deed contains the legal descriptions of the base property associated with this allotment.

Upon receiving all forms, the Miles City BLM Field Office interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0113-EA) to analyze the issuance of the grazing permit and changing the allotment categorization from “M” to “C” for the allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on 4/28/2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Flying U LLC – JJF LLC meets the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

AUTHORITY

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§ 4120.2 Allotment management plans and resource activity plans.

§ 4120.3–2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed two copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the authorized officer, you will be provided with a signed copy for your records.

Also enclosed is a copy of your BLM allotment map. Review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to the office.

If you have any questions on this document please contact Josh Halpin, Rangeland Management Specialist, at (406) 233-3168 or Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,



Todd D. Yeager
Field Manager

Enclosed:

- 1) BLM Grazing Permit (2 copies: please sign and return to the Miles City Field Office)
- 2) Allotment Map

Halpin:lrn:5/23/13:FlyingULLC_JJFLLC_Transfer_Letter_Halpin_2013